

June 7, 2012

SUBMITTED ELECTRONICALLY

Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Re: Notice of *Ex Parte* Presentations; FCC File No. SAT-MOD-20101118-00239; IB Docket No. 11-109

Dear Ms. Dortch:

On June 5 and 6, 2012, representatives of Trimble Navigation, Ltd. ("Trimble") held the following meetings with FCC personnel regarding the above-captioned matters:

On June 5, Jim Kirkland, Vice President and General Counsel of Trimble, and Howard Symons of this firm met separately with Charles Mathias, Special Counsel to Chairman Genachowski, and Paul Murray, Acting Legal Advisor to Commissioner Rosenworcel. On June 6, Messrs. Kirkland and Symons met with Commissioner Pai and his Legal Advisor, Courtney Reinhard. Messrs. Kirkland, Symons and the undersigned also met with Julius Knapp, Bob Weller, Michael Ha and Steve Jones of the Office of Engineering and Technology; Robert Nelson and Sankar Persaud of the International Bureau; and Bill Lane and Rasoul Safavian of the Public Safety and Homeland Security Bureau. Mr. Kirkland and the undersigned met with Mindel de la Torre, Roderick Porter and Gardner Foster of the International Bureau and separately with Louis Peraertz, Legal Advisor to Commissioner Clyburn.

In the meetings, we urged the FCC to adopt the proposals contained in the Public Notice issued by the International Bureau in IB Docket No. 11-109 on February 15, 2012. We argued that action on these proposals was fully supported in the record of this proceeding, and that it should not and need not be delayed while the Commission considered broader prospective issues such as LightSquared's proposal for a spectrum swap or whether the Commission can or should adopt interference protection criteria or standards. Additional detail on the points covered in the meetings is summarized in the attached presentation, which was also provided to the meeting participants.

Pursuant to section 1.1206(b) of the Commission's rules, a copy of this letter and attachment are being filed electronically in the International Bureau Filing System and the Electronic Comment Filing System and served electronically on the Commission participants in each meeting.

Mintz, Levin, Cohn, Ferris, Glovsky and Popeo, P.C.

BOSTON | LONDON | LOS ANGELES | NEW YORK | SAN DIEGO | SAN FRANCISCO | STAMFORD | WASHINGTON

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Please direct any questions regarding this filing to the undersigned.

Sincerely,

/s/ Russell H. Fox

Russell H. Fox

Attachment

cc: (each w/attachment)

Hon. Ajit Pai

Julius Knapp

Mindel de la Torre

Charles Mathias

Louis Peraertz

Courtney Reinhard

Paul Murray

Roderick K. Porter

Robert Nelson

William Lane

Sankar Persaud

Robert Weller

Rasoul Safavian

Michael Ha

Steven Jones

Gardner Foster



GPS and L-Band Issues

Jim Kirkland, Vice President and General Counsel
Trimble Navigation Ltd.

June 2012



Overview

- Testing of LightSquared's proposed network is conclusive and supports the FCC's proposal to revoke LightSquared's conditional and ATC authority.
- LightSquared's proposal that the FCC find it other spectrum should not affect the Commission's proposal to revoke LightSquared's conditional authorization and suspend indefinitely its ATC authority.
- If the Commission wishes to further consider the terrestrial use of L-Band, it should do so through a notice and comment rulemaking proceeding.
- The GPS industry remains committed to working with the FCC and other stakeholders to continue to ensure that this valuable national asset is protected.



NPEF Testing Demonstrated Interference

- NPEF's testing was not flawed or biased – LightSquared's complaints about the testing are based on its disappointment with the results.
 - NPEF's test methodology was reviewed and validated by two independent and nationally respected facilities.
 - The 1 dB interference threshold that NPEF used is appropriate.
- LightSquared was afforded an extraordinary opportunity to demonstrate non-interference - there is no need to prolong this process further.
- Unless the FCC is prepared to completely ignore the NPEF and related conclusions, there is only one path to take.



LightSquared's Request for Alternative Spectrum Should Not Delay FCC Action

- Consideration of alternate spectrum should not affect revocation of LightSquared's conditional waiver and suspension of its ATC authorization
 - Because the testing results for the L-Band spectrum are conclusive, the FCC should act with respect to *that* spectrum now.
- Application of Section 316, as the FCC envisions, will provide sufficient process to determine the future of LightSquared's ATC authority.
 - All that the FCC has proposed for now is to proceed with the Section 316 process.
 - It is appropriate to take that step now. Testing that has been completed – a fuller evaluation than ever occurred in the past – shows harmful interference from **any** terrestrial operations.



Revocation Is Consistent With FCC Intent

- The January 2011 waiver order was clear
 - LightSquared would not be permitted to commence operations unless it could show non-interference to GPS
- The Commission has overwhelming evidence that this condition has not been satisfied
- The March 2010 National Broadband Plan reaffirmed that absent policy and rule changes, ATC authorizations were intended only to fill in satellite footprint
 - LightSquared concedes that it acquired MSS spectrum rights based upon valuations appropriate to restricted satellite spectrum



Going Forward

- GPS is an extraordinarily successful use of spectrum – serving industries accounting for millions of jobs, providing hundreds of billions of dollars of economic benefit.
- The Commission should apply rigorous cost/benefit analyses to any changes in spectrum use and technical rules that could affect this national asset.
- The Commission's historic skepticism regarding imposition of detailed technical standards is well grounded.
 - With hundreds of millions of GPS receivers in use, the potential for unintended consequences is great.
- There is a need for a more robust institutional framework to consider private and governmental GPS impacts.
- Trimble and the GPS industry intend to be active participants in FCC and other proceedings intended to balance the need for more spectrum against preservation of critical existing systems.